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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,887	09/29/2003	Fwu-Juan Hsieh	D2337 D2	1987
27774	7590	03/29/2004	EXAMINER	
MAYER, FORTKORT & WILLIAMS, PC			NOVACEK, CHRISTY L	
251 NORTH AVENUE WEST			ART UNIT	PAPER NUMBER
2ND FLOOR			2822	
WESTFIELD, NJ 07090				

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/673,887 Christy L. Novacek	HSHIEH ET AL. Art Unit 2822
Period for Reply	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --	

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23-25 and 59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23-25 and 59 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/23/03.
- 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This Office Action is in response to the preliminary amendment filed September 29, 2003.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the 1. BPSG region as recited in claim 23 and 2. drain as recited in claim 25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 23, 24 and 59 recited the limitation of “a trench which extends through said body region and said substrate”. This limitation is not supported by the specification because the specification and drawings disclose that the trench extends into the substrate, but does not extend through the substrate.

Claim Objections

Claim 59 is objected to because of the following informalities: The last two lines of claim 59 are unnecessary because lines 6-7 of the claim repeat the limitations recited therein. As such, the last two lines of claim 59 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation of “wherein each of said gate electrodes has a BPSG region associated with it.” The meaning of this limitation is unclear and ambiguous. It is not understood what is meant by “associated with it”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 24, 25 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Hebert (US 5,684,319).

Regarding claim 24, Hebert discloses providing a substrate of a first conductivity-type, a body region of a second conductivity-type, a trench which extends through the body region and into the substrate, a gate oxide layer in the trench, a gate having a polycide material deposited in the trench, and a source region in the body region that has been formed after the gate oxide has been deposited (Fig. 6; col. 10, ln. 1-24; col. 7, ln. 13 – col. 8, ln. 53).

Regarding claim 25, Hebert discloses a drain that is formed such that the distance between the topmost portion of the gate and the drain is greater than the distance between the source and the drain (Fig. 6; col. 9, ln. 60-62).

Regarding claim 59, Hebert discloses providing a substrate of a first conductivity-type, a body region of a second conductivity-type, a trench which extends through the body region and into the substrate, a gate having a polycide material overlying the trench, placing a mask over the trench, removing unmasked portions of the gate and forming a source region in the body region (Fig. 6, 3E and 3F; col. 10, ln. 1-24; col. 7, ln. 13 – col. 8, ln. 53).

Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Calafut (US 6,461,918).

Regarding claim 24, Calafut discloses providing a substrate (320/325) of a first conductivity-type, a body region (305/332) of a second conductivity-type, a trench (310) which extends through the body region and into the substrate, a gate oxide layer (312) in the trench, a

gate having a polycide material deposited in the trench, and a source region (330) in the body region.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calafut (US 6,461,918).

Regarding claim 23, Calafut discloses providing a substrate (320/325) of a first conductivity-type, a body region (305/332) of a second conductivity-type, a trench (310) which extends through the body region and into the substrate, a gate oxide layer (312) in the trench, a gate having a polycide material deposited in the trench, a source region (330) in the body region, and forming a trench DMOS such that it has a plurality of gate electrodes and each gate electrode has a BPSG region (355) deposited on top of it (Fig. 5; col. 4, ln. 25 – col. 5, ln. 6; col. 6, ln. 38-41). Calafut does not specifically disclose what is the junction depth of the source region. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use routine experimentation to determine an appropriate junction depth at which to form the source region because such variables of art recognized importance are subject to routine experimentation and discovery of an optimum value for such variables is obvious. See *In re Aller*, 105 USPQ 233 (CCPA 1955).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN
March 21, 2004



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